

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAIL STOP PATENT APPLICATIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL FOR A NEW PATENT APPLICATION
UNDER 37 C.F.R. §1.53(b)

Dear Sir:

This is a request for filing a patent application under 37 C.F.R. §1.53(b) of:

Inventor: **Randall S. HICKLE**

For: **RESPIRATORY MONITORING SYSTEMS AND METHODS**

1. This is a new **Utility** patent application.
2. The papers enclosed to obtain a filing date are as follows:
 - 35 Pages of Application including:
 - 20 Pages of Disclosure
 - 5 Pages of Claims (27 total / 3 independent)
 - 1 Page of Abstract; and
 - 9 Sheets of drawings containing **NINE (9)** Figures
3. **Combined Declaration and Power of Attorney**
 - ☐ Enclosed and is newly executed by all inventors.
 - ☐ Enclosed in this continuation/divisional application and is a copy from a prior application (37 CFR § 1.63(d).
 - ☒ **Not Enclosed.**

This application is being filed under the provisions of 37 C.F.R. §1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.
4. ☒ **An Assignment to Scott Laboratories, Inc. will be filed at a later date.**
5. **Language**
 - ☒ **English**
 - ☐ Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

6. Priority based on provisional application(s) - 35 U.S.C. §119(e)

☒ Benefit of the following U.S. provisional application(s) is claimed:

Provisional Application No.	Filed
60/430,088	December 2, 2002

7. Fee Calculation (37 C.F.R. § 1.16):

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$770.00
Total Claims (37 C.F.R. §1.16(c))	27 - 20 =	7	\$ 18.00 each=	+ 126.00
Independent Claims (37 C.F.R. §1.16(b))	3 - 3 =	0	\$ 86.00 each=	+ 0.00
TOTAL FILING FEE =				\$ 896.00

8. Fee Payment:

☐ Please charge my Deposit Account No. 50-1349 the amount of \$.00.

☒ **Not Enclosed. NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. §1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

9. ☒ **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

10. Additional papers enclosed:

- ☐ Nonpublication Request pursuant to 37 CFR § 1.213
- ☐ Change of Correspondence Address
- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ Form PTO- 1449, documents as listed
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Please accord this application an application number and filing date.

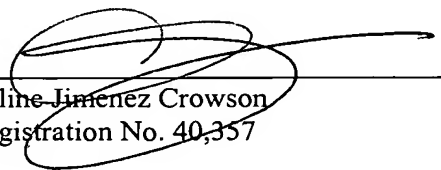
Respectfully submitted,

HOGAN & HARTSON LLP

Dated: December 2, 2003

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